

REMARKS

The specification has been amended. Claims 10, 14, 16, 17, 20, 25, and 26 have been amended. Claims 11 and 18 have been canceled. A new independent claim 29 has been added. A new dependent claim 30 depending from claim 10 has been added. Claims 10, 12 – 17, and 19 – 30 are currently pending in the present application.

In the Office Action, the drawings are objected to, claims 11, 14 – 18, 20, and 26 are rejected under 35 U.S.C. 112, first paragraph, as being non-enabling, and claims 10, 13, 15 -18, 20, 25, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Additionally, in the Office Action, claims 10 -14, 16-18, 19, 21-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cinello et al EP 0 219 115. Also, in the Office Action, claims 15, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cinello et al EP 0 219 115 and Johnson US Patent No. 5,711,170.

Regarding the objection to the drawings, it is submitted that this objection is now overcome in view of the amendment of the specification.

Regarding the rejection of claims 11, 14 – 18, 20, and 26 under 35 U.S.C. 112, first paragraph, it is submitted that this rejection is now overcome in view of the amendment of claims 14, 16, 17, 20, and 26 and the cancellation of claims 11 and 18.

Regarding the rejection of claim 13 under 35 U.S.C. 112, second paragraph, it is submitted that the term “quality” recited in this claim does not render the claim indefinite. It is submitted that the term “quality” in claim 13 must be understood in the context of the subject matter of the claim, whereupon it is submitted to be readily understandable that the recited “quality” must necessarily relate to a property or parameter that is associated with the pertinent mechanical properties of the “material of at least one of the plastic members.” In view of numerous well-known standards for judging a “quality” property of a plastic

material; it is clear that one of skill in the art can readily evaluate a plastic container to determine if such is within the metes and bounds of claim 13 of the present application.

Regarding the rejection of claim 15 under 35 U.S.C. 112, second paragraph, it is submitted that the term "greater strength" in this claim does not render the claim indefinite. The mere fact that the comparative term "greater" entails that a comparison must be made does not, without more, render this claim indefinite. It is submitted that one of skill in the art can readily evaluate a plastic container against any one of the numerous well known standards for judging a strength property of a plastic material and thus determine if an evaluated plastic container is within the metes and bounds of claim 15 of the present application.

Regarding the rejection of claims 10, 16 -18, 20, 25, and 26 under 35 U.S.C. 112, second paragraph, it is submitted that this rejection is now overcome in view of the amendment of claims 20, and 26 and the cancellation of claim 18. Accordingly, it is respectfully submitted that the rejection of claims 10, 13, 15 -18, 20, 25, and 26 under 35 U.S.C. 112, second paragraph, should be withdrawn.

Regarding the prior art rejections of the claims, favorable reconsideration is respectfully requested in view of the amendment of claims 10, 14, 16, 17, 20, 25, and 26, the cancellation of claims 11 and 18, and the following comments.

Claim 10 of the present application recites a plastic container for domestic washing machines which internally receives a rotary drum whose axes are mounted on bearings arranged in a bearing shell made of metallic material. The plastic container comprises at least one plastic member that is accommodated on at least one section of the surface of the bearing shell, with the one plastic member and the bearing shell together forming a structural unit, before the remainder of the plastic container is injection-molded onto the structural unit formed by the bearing shell and the plastic member.

Claim 25 of the present application recites a method for making a container for retaining liquids within a washing machine having a rotary drum mounted for rotation with respect to the container. The inventive method includes providing a bearing shell comprised of metallic material and applying a plastic member formed on the bearing shell with an injection molding process. The plastic member and the bearing shell together form an intermediate structure and the plastic member comprises a portion of a container which has not yet been completed. The inventive method recited in claim 25 of the present application further includes the step of then applying the remainder of the container formed on the plastic member with an injection molding process.

New independent method claim 30 of the present application recites a method for making a container for retaining liquids within a washing machine having a rotary drum mounted for rotation with respect to the container. The inventive method for making a container includes the steps of providing a bearing shell comprised of metallic material and applying a plastic member on the bearing shell via an injection molding process, the plastic member and the bearing shell together forming an intermediate structure and the plastic member comprising a portion of a container which has not yet been completed. The method recited in new independent method claim 30 further includes the step of forming the remainder of the container on the intermediate structure with an injection molding process after the plastic member applied on the bearing shell has at least partially cured following the step of applying.

Cinello et al EP 0 219 115 discloses a method for making a laundering tub of a plastic material. In a first molding step, a spacer element 19 is formed in the shape of a cylindrical sleeve. Thereafter, in a next molding step, a bearing 12, the spacer element 19, and a bearing 13 are pre-positioned in a mold and plastic material is injected thereabout so as to form a cylindrical wall 25 of a sleeve 14. Then, in a third molding step, the sleeve 14 is pre-positioned in a mold and a plastic material is injected to complete the formation of a tub 5.

Johnson US Patent No. 5,711,170 discloses a laundry appliance 10 is shown having a cabinet 12 having a splined shaft 78 that extends rearwardly from the rear wall 72 of fabric basket 64 through a bearing 88 mounted within a spinner support 80. The spinner support 80 is comprised of a circular plate 82 having rearwardly projecting vertical ribs 84 and also having a centrally located circular motor cavity 86 provided on the rear surface thereof.

Applicants respectfully traverse the prior art rejections of the pending claims of the present application and request favorable reconsideration.

It is submitted that none of the cited prior art teaches or discloses the present invention. For example, several differences between the method for making a laundering tub of a plastic material disclosed in Cinello et al EP 0 219 115 and the method of the present invention as exemplarily recited in claim 25 of the present application are readily apparent. As one example, attention is directed to the method disclosed in Cinello et al EP 0 219 115. This prior art method involves two molding steps to form a structure that ultimately supports a rotation shaft – namely, the structure of the sleeve 14 – and thereafter involves a third step in which the entire injection of all of the plastic material to form the tub 5 is then accomplished in a single step once this sleeve 14 has been pre-positioned in a mold. In contrast, in accordance with the method of the present invention, the tub or “container” is formed by a two step molding sequence with the first step of the molding sequence being the application of a plastic member on the bearing shell with an injection molding process (the plastic member and the bearing shell together then form an intermediate structure) and the second step of the molding sequence being the application of the remainder of the container on the intermediate structure with an injection molding process.

As another example of the differences between the method disclosed in Cinello et al EP 0 219 115 and that of the present invention, Cinello et al EP 0 219 115 discloses forming a plastic structure (the sleeve 14) about which its tub 5 is then formed by injection molding. In contrast, the method of the present

invention first applies a plastic member on a bearing shell comprised of metallic material, as recited, for example, in claims 23 and 29 of the present application.

Likewise, several differences between the method for making a laundering tub of a plastic material disclosed in Johnson US Patent No. 5,711,170 and the method of the present invention as exemplarily recited in claim 25 of the present application are readily apparent and it is clear that Johnson US Patent No. 5,711,170 does not remedy the deficiencies of Cinello et al EP 0 219 115.

Applicants also submit that Cinello et al EP 0 219 115 and Johnson US Patent No. 5,711,170 cannot be properly combined to reject claims 13-17, 24, and 25 under 35 USC §103(a). A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." *Id.* (quoting *W.L. Gore & Assocs. Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Applicants respectfully believe that any teaching, suggestion, or incentive possibly derived from the prior art is only present with hindsight judgment in view of the instant application. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. . . . The references themselves must provide some teaching whereby the applicant's combination would have been obvious." *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (emphasis added by applicants). Here, no such teaching is present in either Cinello et al EP 0 219 115 or Johnson US Patent No. 5,711,170. It is submitted that there is no "clear and particular" teaching or

suggestion in Cinello et al EP 0 219 115 to incorporate the features of Johnson US Patent No. 5,711,170, and there is no teaching or suggestion in Johnson US Patent No. 5,711,170 to incorporate the features of Cinello et al EP 0 219 115.

Accordingly, it is respectfully requested that the prior art rejections of 10, 12 – 17, and 19 – 30 be withdrawn.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 10, 12 – 17, and 19 – 30 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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